



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/580,095 | 04/13/2007 | Mitsunori Saito | 4605-061619 | 5087 |

28289 7590 04/02/2009
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

| |
|----------|
| EXAMINER |
|----------|

STALEY, KRISTINA N

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

4117

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

04/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/580,095 | | SAITO ET AL. | |
| | Examiner | | Art Unit | |
| | KRISTINA STALEY | | 4117 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/26/2008</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueda (US 3085227).

Referring to Claim 1: Ueda discloses a display structure body (Figure 3, P) comprising a light transmitting first pattern layer unit (Figure 1, #5, ¶0012) having a pattern made by a light accumulation material (¶0008) and a light transmitting second pattern layer unit for normal display (Figure 3, F; ¶0007), on the surface of a light emitting unit (Figure 1, #1). It is inherent that cell phones are backlit and emit light from behind an image to make it visible to the user.

Referring to Claim 2: Ueda discloses a display structure body (Figure 3, P) comprising a light transmitting first pattern layer unit (Figure 1, #5, ¶0012) having a pattern made by a light accumulation material (¶0008), a light transmitting second pattern layer unit for normal display (Figure 3, F; ¶0007), a light transmission restriction layer unit provided between the first pattern layer unit and the second pattern layer unit (Figure 1, #4), and a light emitting unit provided on the second pattern layer unit at the opposite side of the light transmission restriction layer (Figure 1, #1).

Referring to Claim 4: Ueda discloses a display structure body (Figure 3, P) comprising a light transmitting first pattern layer unit (Figure 1, #5, ¶0012) having a pattern made by a light accumulation material (¶0008), a light transmitting second pattern layer unit for normal display which faces the first pattern layer unit (Figure 3, F; ¶0007), a light transmission restriction layer unit provided on the first pattern layer unit at the opposite side of the second pattern layer unit (Figure 1, #4), and a light emitting unit provided on the light transmission restriction layer at the opposite side of the first pattern layer unit (Figure 1, #1).

Referring to Claim 5: Ueda discloses a light emitting display body (Figure 1, #1) comprising a light transmitting first pattern layer unit (Figure 1, #5, ¶0012) having a pattern made by a light accumulation material (¶0008) and a light transmission restriction layer unit provided on the rear surface of the first pattern layer unit (Figure 1, #4), wherein the light emitting display body (Figure 1, #1) is mounted on the surface of an illumination display body (Figure 3, P).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 4117

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 102(b) as anticipated by Ueda or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ueda in view of Murakami (US 5,811,174).

Ueda teaches a display structure body (Figure 3, P) comprising a light transmitting first pattern layer unit (Figure 1, #5, ¶0012) having a pattern made by a light accumulation material (¶0008) and a light transmitting second pattern layer unit for normal display (Figure 3, F; ¶0007), a light transmission restriction layer unit provided between the first pattern layer unit and the second pattern layer unit (Figure 1, #4), and a light emitting unit provided on the second pattern layer unit at the opposite side of the light transmission restriction layer (Figure 1, #1). Ueda does not teach that a layer with a short-wavelength absorption function. Murakami teaches a light emitting layer having a short-wavelength light absorption function (col. 2, lines 17-25). It would have been obvious to one of ordinary skill in the art at the time of the invention that the properties of phosphorescent ink would be inherent in the ink used in the invention of Ueda.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aylward et al. (US 6,571,497) discloses a day/night imaging member with two images, a backlit frame, and a light restriction layer between the two layers. Britt et al. (US 4,401,050) discloses a phosphorescent escape route indicator

Art Unit: 4117

using light accumulation material to indicate an exit path in dark areas or in the case of a power failure, which would have been obvious to combine with the Aylward invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTINA STALEY whose telephone number is (571)270-7816. The examiner can normally be reached on Monday through Thursday, 8:00AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. S./

Examiner, Art Unit 4117

/Joanne Silbermann/

Primary Examiner, Art Unit 3611